

Senate Bill 162

By: Senators Heath of the 31st, Tate of the 38th, Murphy of the 27th, Schaefer of the 50th, Stoner of the 6th and others

**AS PASSED**

**AN ACT**

To amend Code Section 47-2-123 of the Official Code of Georgia Annotated, relating to allowance payable upon death, disability, or involuntary separation from employment, restrictions on separating from employment, and restrictions on entitlement to involuntary separation benefits, so as to provide that a person who becomes a member of the Employees' Retirement System of Georgia on or after July 1, 2007, shall be entitled to a disability benefit based upon the actual years of creditable service he or she had attained on the date of retirement; to provide that no such person who is eligible for an equivalent service retirement shall be entitled to receive a disability allowance; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Code Section 47-2-123 of the Official Code of Georgia Annotated, relating to allowance payable upon death, disability, or involuntary separation from employment, restrictions on separating from employment, and restrictions on entitlement to involuntary separation benefits, is amended by revising subsection (c) as follows:

"(c)(1) The provisions of this paragraph shall apply only to persons who are members of the retirement system on June 30, 2007. Any member who is at least 60 years of age upon disability retirement, involuntary separation from employment without prejudice, or death shall receive the equivalent of a service retirement allowance. Any such member who is under 60 years of age shall receive, as appropriate, a disability allowance, allowance in case of involuntary separation from employment without prejudice, or death allowance, which shall consist of:

(A) In the case of a member with at least 15 years of service, 75 percent of the service retirement allowance which would have been payable upon service retirement at age 60 had the member continued in service to age 60 without further change in

compensation, provided that this subparagraph shall not apply to a member whose employment was terminated by involuntary separation without prejudice;

(B) In the case of a member with at least 20 years of service, the service retirement allowance which would have been payable upon service retirement at age 60 had the member continued in service to age 60 without further change in compensation;

(C) In the case of a member with at least 25 years of service, 75 percent of the service retirement allowance which would have been payable upon service retirement at age 65 had he or she continued in service without further change in compensation; or

(D) In the case of a member with at least 30 years of service, the service retirement allowance which would have been payable upon service retirement at age 65 had he or she continued in service without further change in compensation.

Any provisions of this chapter to the contrary notwithstanding, in the application of subparagraphs (A), (B), (C), and (D) of this paragraph relating to allowances other than for disability or death, projected retirement allowance computations shall be made on the basis of the member's highest total monthly earnable compensation, as reflected by monthly contributions made during the last 24 calendar months in which he or she had made contributions, except that no salary increase by adjustment in compensation in any manner in excess of 10 percent during the last 12 months of membership service shall be included in the projected computation.

(2) The provisions of this paragraph shall apply only to persons who first or again become members of the retirement system on or after July 1, 2007. Any member who has at least 15 years of creditable service and who becomes disabled before becoming eligible for a service retirement as provided in subsection (a) of Code Section 47-2-110 shall be eligible to retire forthwith without regard to age and to receive a disability retirement allowance calculated upon the number of years of creditable service attained to the date of retirement and based upon his or her highest average monthly compensation during a period of 24 consecutive calendar months while a member of the retirement system. No member who is eligible for an equivalent service retirement shall be eligible to apply for a disability retirement allowance."

## **SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.